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July 23, 1999

**VIA HAND DELIVERY**

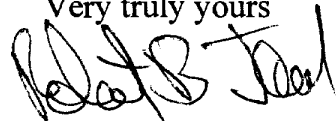
Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
The Portals II  
445 - 12th Street, S.W.  
Room TW-A325  
Washington, D.C. 20554

Dear Ms. Salas

Submitted on behalf of Noe Corp., L.L.C., licensee of Television Broadcast Station KNOE-TV, Monroe, Louisiana, are an original and four copies of a Supplement to Petition for Rulemaking seeking to amend the Table of Allotments for Digital Television by substituting DTV Channel 7 in place of DTV Channel 55 for use by KNOE-DT.

Any questions concerning this matter should be addressed to undersigned counsel.

Very truly yours

  
Robert B. Jacobi

Enclosures

cc: Barbara Kreisman, Esq.  
Clay Pendarvis, Esq.  
Ms. Pam Blumenthal

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BEFORE THE

**Federal Communications Commission****RECEIVED****JUL 23 1999**

In the Matter of )  
 )  
 Amendment of Section 73.622 (b), ) RM-  
 Digital Television Table of Allotments, )  
 (Monroe, Louisiana) )

Federal Communications Commission  
 Office of Secretary

To: Chief, Mass Media Bureau

**SUPPLEMENT TO PETITION FOR RULE MAKING**

Noe Corp., L.L.C., licensee of Television Broadcast Station KNOE-TV, Monroe, Louisiana ("Petitioner"), through its attorneys and pursuant to Sections 1.419, 1.420 and 73.623 of the Commission's Rules, hereby supplements its November 17, 1998, petition for rule making requesting that the Table of Allotments for Digital Television (DTV) Stations, Section 73.622 (b) of the Commission's Rules, be amended as follows:

	<u>Channel No.</u>
<u>City</u>	<u>Present</u> <u>Proposed</u>
Monroe, Louisiana	55                  7

In support of such request, the following supplemental information is set forth.

1. Petitioner seeks to substitute DTV Channel 7 in lieu of DTV Channel 55 at Monroe, Louisiana, for use by Station KNOE-TV at the same transmitter site currently used by KNOE-TV for its NTSC operation on Channel 8; Petitioner has demonstrated that DTV Channel 7 can be substituted and allotted to Monroe, Louisiana, as proposed, in compliance with the principal community coverage requirements of Section 73.625 (a) of the Rules and, moreover, is acceptable under the 2 percent and 10

percent criteria for de minimis impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623 (c) (2) of the Rules.

2. The proposed substitution would benefit the public interest for the following reasons. If the Petition for Rule Making is adopted, Petitioner intends to operate DTV Channel 7 with the maximum allotted facilities. However, absent a change in DTV allocation from Channel 55 to Channel 7, Petitioner will not, during the interim DTV transition period, engage in full power DTV operations, but, rather, will operate at low power, providing interim DTV coverage to its city of license and not replicating its existing service area. As set forth in the attached engineering statement of Bernard R. Segal, P.E., an interim DTV operation on Channel 55 in lieu of proposed Channel 7 would provide DTV service to only a 12,210 sq. km area with 244,980 people whereas a full power DTV operation on Channel 7 would provide DTV service to an area of 32,750 sq. km with a population of 500,380; thus, the proposed substitution of Channel 7 would result in interim DTV service to approximately 255,400 more people in a 20,540 sq. km greater area than would operation on the current Channel 55 DTV allocation.

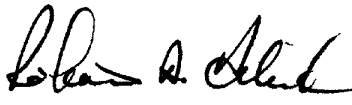
3. The proposed change also will enable Station KNOE-TV to avoid the extra cost of purchasing a UHF transmitter and other equipment which it will not use at the end of the DTV transition period when it reverts back to its current VHF Channel allocation for DTV operations; in the event Channel 7 is allocated for DTV use by Station KNOE-TV, however, KNOE-TV would be able to use the Channel 7 antenna, transmission line and transmitter for auxiliary purposes. Moreover, there are substantially higher operating costs for electrical power usage with a UHF Channel 55 DTV operation which would not be incurred for DTV operation on Channel 7. If Petitioner's proposal to substitute Channel 7 in lieu of Channel 55 for Station KNOE-TV's DTV operations is adopted by the Commission, the resulting capital and operating cost savings will free-up additional resources for Petitioner to invest in providing DTV programming to the public.

4. The Commission, as well as television licensees, are committed to the success of digital television. The success of a DTV station operation is inherently related to viewer acceptance; the larger the audience size, the greater likelihood that viewers will purchase DTV receivers and, further, purchase receivers at an earlier point in time. Petitioner's proposed DTV Channel 7 operations would offer coverage to almost twice as many people in an area almost three times as large as that which would be served by an interim operation on Channel 55. Accordingly, a Channel 7 DTV allocation would better serve to expedite the public's acceptance and conversion to digital television.

5. Accordingly, Petitioner submits that its proposed DTV channel substitution would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to implement the instant petition.

Respectfully submitted

NOE CORP., L.L.C.

By: 

Robert B. Jacobi  
Richard A. Helmick

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Its Attorneys

July 23, 1999

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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**SUPPLEMENTAL ENGINEERING STATEMENT  
PREPARED ON BEHALF OF  
NOE ENTERPRISES, INC.  
MONROE, LOUISIANA**

Noe Enterprises, Inc. (hereafter, Noe) has a petition pending to modify the DTV Table of Allotments to substitute Ch. 7 for Ch. 55 at Monroe, Louisiana. The instant Supplemental Engineering Statement provides additional supporting information for the channel substitution.

The Ch. 55 reservation is for operation with maximum average effective radiated power of 1000 kW and antenna radiation center height above average terrain of 576 meters. According to the table in Appendix B of the Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Orders, the digital television service that would be provided by station KNOE-DT operating pursuant to the Ch. 55 reservation is to 728,000 persons. However, after the transition, it is Noe's intent to establish its permanent DTV operation on its existing Ch. 8 with whatever power would be required to replicate or exceed its current Ch. 8 NTSC coverage. By that means,

the present antenna and transmission line could be re-used. The transmitter may have to be replaced or re-furbished for DTV operation.

Given the cost for implementing a 1000 kW facility on Ch. 55 that replicates the current KNOE-TV Grade B service; the temporary nature of the operation; the out of core status of Ch. 55; and the high operating costs compared with the costs for operation on a VHF channel, it makes little sense to expend vast sums of money and energy in implementing a high-powered facility on Ch. 55. If the pending petition to operate on Ch. 7 is unsuccessful, practical considerations dictate that the operation on Ch. 55 be reduced and only sufficient to meet FCC Rule requirements.

The accompanying map, Figure 1S, shows two coverage contours for KNOE-DT. The contour shown in blue is the coverage for a Ch. 55 facility that would provide slightly more than the minimum required service if the petition to substitute Ch. 7 for Ch. 55 does not succeed. The second contour on the map shows the coverage for the proposed Ch. 7 KNOE-DT operation. After the transition, KNOE-DT would be able to utilize the Ch. 7 antenna, transmission line and transmitter as an auxiliary facility on DTV Ch. 8 and would utilize its

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

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Engineering Statement  
Noe Enterprises, Inc., Monroe, Louisiana

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current Ch. 8 equipment, modified as necessary, for its main Ch. 8 DTV operation. Thus, none of the equipment purchased would have to be discarded as would be the case for operation on Ch. 55.

The DTV Ch. 7 coverage contour includes 500,380 persons in an area of 32,750 square kilometers. The Ch. 55 DTV coverage contour includes 244,980 persons in an area of 12,210 square kilometers. Thus, as a practical matter, operation on Ch. 7 during the transition has the potential for serving 255,400 more persons in a 20,540 square kilometer greater area than would be the case if KNOE-DT operated on Ch. 55 during the transition.

The public interest would be better served by KNOE-DT operation on Ch. 7 than on Ch. 55.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 22, 1999.



Bernard R. Segal, P.E.

Figure 1S

